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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,052	02/02/2004	James T. Richardson JR.	M-15345 US	1520
65678 7590 05/28/2008 MACPHERSON KWOK CHEN & HEID, LLP 2033 GATEWAY PLACE SUITE 400 SAN JOSE, CA 95110				
EXAMINER				
NGUYEN, VAN KIM T				
ART UNIT		PAPER NUMBER		
2152				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,052

Applicant(s)

RICHARDSON, JAMES T.

Examiner

Van Kim T. Nguyen

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date February 2, 2004
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to communications filed on February 2, 2004. Claims 1-17 are pending in the case.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on February 2, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to because they are not made by a process which will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well-defined. The weight of all lines and letters must be heavy enough to permit adequate reproduction. This requirement applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. Lines and strokes of different thicknesses may be used in the same drawing where different thicknesses have a different meaning.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 9-16 recite the limitation "a machine readable medium", however, the specification as filed fails to provide clear support or antecedent basis so that the meaning of the term in the claims may be ascertainable by reference to the description.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petry et al (US 6,941,348), hereinafter Petry, in view of Gupta (US 7,093,025).

Regarding claims 1 and 9, Petry discloses an email method comprising the acts of:

(b) verifying normal operation of the email spooler (i.e., Spool Delivery Manager determines whether or not messages should be spooled and the overall condition of the spooler; col. 19: line 60 - col. 20: line 55)

(c) notifying the system administrator regarding the abnormal operation if act (b) verifies that the email spooler is not operating normally (i.e., if the spool size reaches to one of several predefined spool size checkpoints (e.g., 75% of capacity), an alert notification 510 is generated to inform an administrator of conditions regarding their system; col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28);

(d) processing each undeliverable email to determine whether it was returned because of a problem with the email itself or because of a problem with the mail server (i.e., interpret process 350 interacts with data in the traffic monitor to process the message to determine type of error; col. 7: lines 48-67, col. 8: line 57- col. 9: line 25, and col. 16: lines 45-60, Table 1; Figure 8, steps 806-810);

(e) resending the undeliverable email to the intended recipient if act (d) determines that an undeliverable email was returned because of a problem with the mail server (steps 820-832; determining appropriate process to retransmit the message, e.g., to be spooled for later delivery or redirected, etc. ; col. 15: lines 20-26).

Petry discloses substantially all the claimed limitations, except (a) fetching an email address for the intranet web server's system administrator, and (f) sending the undeliverable email to the originating intranet user if an undeliverable email was returned because of a problem with the undeliverable email itself.

Gupta teaches:

(a) fetching an email address for the intranet web server's system administrator (i.e., ARCPT can be used by the system administrator to forward email to another address and an alternative recipient; col. 2: lines 48-53);and

(f) in case the system is unsuccessfully in delivering the mail to a specified recipient, the SMTP server can be specified to send a full message with an explanation of the errors to the sender (col. 1: lines 39-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Gupta's method of sending undeliverable email to the original sender or notify an administrator in Petry's email system, in order to keep the sender and the administrator informed of the success/failure of delivering and the condition of the email system.

Regarding claims 2 and 10, Petry-Gupta also discloses fetching the email address from a database (Petry: col. 9: lines 26-35).

Regarding claims 3 and 11, Petry-Gupta also discloses acts (a) through (f) are repeated periodically (e.g., the system can be constantly updating itself and adapt in real-time; Petry: col. 12: lines 10-27).

Regarding claims 5 and 13, Petry-Gupta also discloses act (b) comprises: examining each email queued in the email spooler to determine its pendency within the email spooler; and emailing the system administrator regarding this email's pendency if an email's pendency within the email spooler exceeds a normal pendency period (i.e., if the spool size reaches to one of several predefined spool size checkpoints (e.g., 75% of capacity), an alert notification 510 is generated to inform an administrator of conditions regarding their system; Petry: col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28).

Regarding claims 6 and 14, Petry-Gupta also discloses acts (a) through (f) are repeated periodically, and wherein act (b) further comprises deleting this email from the email spooler and emailing the system administrator that a persistent email spooler problem has been detected if an email has been previously detected as exceeding the normal pendency period (e.g., the system can be constantly updating itself and adapt in real-time; Petry: col. 12: lines 10-27; and if the spool size reaches to one of several predefined spool size checkpoints (e.g., 75% of capacity), an alert notification 510 is generated to inform an administrator of conditions regarding their system; Petry: col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28).

Regarding claims 7 and 15, Petry-Gupta also discloses act (b) further comprises: restarting the email spooler if an email has been previously detected as exceeding the normal pendency period (i.e., to initiate spooling, a SPOOL connection management record must be inserted, thus when the spool connection management record is removed, then the email spooler is in effect, restarted; Petry: col. 20: lines 1-5 and 29-34).

Regarding claims 8 and 16, Petry-Gupta also discloses acts (a) through (f) are repeated periodically, and wherein act (e) comprises resending the undeliverable email to the intended recipient only if it has not been previously resent to the intended recipient a predetermined number of times (Petry, col. 11: lines 57-67, col. 12: lines 10-27, and col. 14: lines 46-60).

8. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petry-Gupta, as applied to claims 3 and 11 above, in view of Savchuk (US 2005/0055399).

Petry-Gupta also discloses acts (a) through (f) are repeated (i.e., the system constantly updates itself and adapt to changing loads of electronic message traffic in real-time; Petry: col. 12: lines 10-27). However, Petry-Gupta does not explicitly call for repeating the acts (a) through (f) every 30 minutes.

Savchuk teaches an event spooler which can generate email/SNMP messages and send the original data for processing. In case of network outage, data can be sent for up to 30 minutes, with timeout gradually increasing, and then exited (para 0445). The process is then repeated until data is successfully sent.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Savchuk's spool monitoring method in Petry-Gupta's system, motivated by the need to ensure email application can withstand communication systems problems such as network outages and hardware reboots.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petry-Gupta, in view of Allaire, "ColdFusion, Web Application Server ", pages 1-28, 1995-1999.

Petry discloses:

a intranet web server configured to automatically generate email from an intranet user and queue the automatically-generated email in a email spooler from where the automatically-generated email is sent to an SMTP mail server for delivery to an intended recipient, and wherein automatically-generated email that was undeliverable to an intended recipient is returned to the server (i.e., EMS 203, which could run on the same physical machine as SMTP mail server 102, is automated to process incoming messages from sending email server 102a and deliver the messages to receiving mail server 102e. EMS 204 comprises interpreter process 350, which interacts with traffic monitor 340, connection manager 322, email handler 335 and delivery manager 324 to dispose the messages appropriately, e.g., message accept, message reject, message quarantine, message spool, message defer, message redirect, etc.; col. 6: lines 17-36 and 50-66; col. 7: line 5 - col. 10: line 34).

The server being further configured to perform a method comprising the acts of:

(a) verifying that the SMTP mail server is on line (i.e., EMS 203 is active; col. 6: lines 20-31);

If the SMTP mail server is on line:

(c) verifying normal operation of the email spooler (i.e., Spool Delivery Manager determines whether or not messages should be spooled and the overall condition of the spooler; col. 19: line 60 - col. 20: line 55)

(d) notifying the system administrator regarding the abnormal operation if act (b) verifies that the email spooler is not operating normally (i.e., if the spool size reaches to one of several predefined spool size checkpoints (e.g., 75% of capacity), an alert notification 510 is generated

to inform an administrator of conditions regarding their system; col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28);

(e) processing each undeliverable email to determine whether it was returned because of a problem with the email itself or because of a problem with the mail server (i.e., interpret process 350 interacts with data in the traffic monitor to process the message to determine type of error; col. 7: lines 48-67, col. 8: line 57- col. 9: line 25, and col. 16: lines 45-60, Table 1; Figure 8, steps 806-810);

(f) resending the undeliverable email to the intended recipient if act (d) determines that an undeliverable email was returned because of a problem with the mail server (steps 820-832; determining appropriate process to retransmit the message, e.g., to be spooled for later delivery or redirected, etc. ; col. 15: lines 20-26).

Petry discloses substantially all the claimed limitations, except (b) fetching an email address for the intranet web server's system administrator, and (g) sending the undeliverable email to the originating intranet user if an undeliverable email was returned because of a problem with the undeliverable email itself.

Gupta teaches:

(b) fetching an email address for the intranet web server's system administrator (i.e., ARCPT can be used by the system administrator to forward email to another address and an alternative recipient; col. 2: lines 48-53); and

(g) in case the system is unsuccessfully in delivering the mail to a specified recipient, the SMTP server can be specified to send a full message with an explanation of the errors to the sender (col. 1: lines 39-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Gupta's method of sending undeliverable email to the original sender or notify an administrator in Petry's email system, in order to keep the sender and the administrator informed of the success/failure of delivering and the condition of the email system.

Petry-Gupta discloses substantially all the claimed limitations, except the web server is a ColdFusion server.

Allaire teaches ColdFusion can be used to dynamically build and send email messages through any SMTP server (§Internet Technology Integration, page 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement ColdFusion in Petry-Gupta's system, motivated by the need of providing an integrated computing environment with a full range of internet protocols and services to support new functionality or connectivity to legacy systems.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Method and Apparatus for Adding Data Attributes to E-Mail Messages to Enhance the Analysis of Delivery Failures; Kubik et al (US 6,959,324);

Hybrid Electronic E-Mail Server System and Method; Hamlin (US 6,836,895);

Electronic Mail System with Improved Methodology for Processing Messages with Mailing Lists; Delany et al (US 6,658,454);

Electronic Mail Alerting System and Method with User Options; Merchant (US 6,532,489);

Content-Based Notification and User-Transparent Pull Operation for Simulated Push Transmission of Wireless Email; Davies et al (US 2006/0224750); and

Email Gateway Diagnostic Tool, System and Method; Bezuidenhout (US 2004/0236999).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
Art Unit 2152

Art Unit: 2100

vkn

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151